

Hecker Fink LLP

350 FIFTH AVENUE | 63RD FLOOR
NEW YORK, NEW YORK 10118

1050 K STREET NW | SUITE 1040
WASHINGTON, DC 20001

TEL (212) 763-0883 | FAX (212) 564-0883

WWW.HECKERFINK.COM

DIRECT DIAL 212.763.0883

DIRECT EMAIL dpatton@heckerfink.com

January 27, 2025

BY EMAIL

Nathan Rehn
Benjamin Arad
Benjamin Gianforti
United States Attorney's Office
Southern District of New York
26 Federal Plaza, 37th Floor
New York, New York 10278

Re: *United States v. Roman Storm*, 23 Cr. 430 (KPF) (S.D.N.Y.)

Dear Counsel:

On behalf of our client Roman Storm, we are following up on our January 14, 2025 letter and our conversation on January 17. During that call, you said you would get back to us by Friday, January 24, regarding Mr. Storm's outstanding discovery requests. We did not hear from you on Friday, however. Please advise us in writing of the government's position by no later than Wednesday, January 29.

We are also making an additional *Brady* request. As you may know, Chainalysis recently issued a report in which it admitted a massive error in its estimate as to the amount stolen in hacks tied to the Democratic People's Republic of Korea ("DPRK"):

Note that, in last year's report, we published that the DPRK stole \$1.0 billion across 20 hacks. Upon further investigation, we determined that certain large hacks we had previously attributed to the DPRK are likely no longer related, hence the decrease to \$660.50 million. However, the number of incidents remains the same, as we identified other smaller hacks attributed to the DPRK. We aim to constantly re-evaluate our assessment of DPRK-linked hacking events as we acquire new on-chain and off-chain evidence.

See "\$2.2 Billion Stolen from Crypto Platforms in 2024, but Hacked Volumes Stagnate Toward Year-End as DPRK Slows Activity Post-July," *Chainalysis* (Dec. 19, 2024), <https://www.chainalysis.com/blog/crypto-hacking-stolen-funds-2025/>.

We understand the government has relied on Chainalysis in this case. Accordingly, we request the below by no later than Monday, February 3, 2025:

Hecker Fink LLP

2

Any and all material known to the government, or which through due diligence may be learned from the investigating officers of the government or witness or persons having knowledge of this case, that is exculpatory in nature or favorable to Mr. Storm, including any statement made by Chainalysis personnel in which they discuss any errors related to their analysis of Tornado Cash, and/or made statements that support any defense theories articulated in Mr. Storm's various motions, and any and all work product in which the government has relied on Chainalysis for attribution of hacks to the DPRK.

Alternatively, if the government is going to decline to produce any of the above, please notify us in writing by February 3, 2025. To be clear, Chainalysis may also have identified other information favorable to the defense, which may be subject to Rule 16 disclosure as well. Our *Brady* request is inclusive of any such materials.

If you have any questions regarding the above request, let us know as soon as possible, so we can speak at your convenience this week.

As you know, the government's discovery obligations are continuing in nature. If the government discovers any additional material requested above later, please notify us promptly of its existence.

Mr. Storm expressly reserves the right to supplement his discovery requests at a later time, and to seek Court intervention, should the government's failure to provide the requested material continue.

Sincerely,



David Patton
Nicholas Pavlis
HECKER FINK LLP
350 Fifth Avenue, 63rd Floor
New York, New York 10118
(212) 763-0883

-and-

Brian Klein
Keri Curtis Axel
Kevin Casey
WAYMAKER LLP
515 S. Flower Street, Suite 3500
Los Angeles, California 90071
(424) 652-7800

Attorneys for Roman Storm